

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD VAN HORN,

Plaintiff,

vs.

Case No. 12-CV-11880
HON. GEORGE CARAM STEEH

JAMES S. WALTON, C. GOMEZ,
FEDERAL BUREAU OF PRISONS,
BARDSLRY,

Defendants.

_____ /

ORDER DENYING MOTION TO STAY [DOC. 69]

This matter comes before the court on plaintiff Edward Van Horn's motion to stay this case for 50 days in order for his administrative claim to become exhausted. Van Horn filed his administrative claim for damages under the Federal Tort Claims Act with the Bureau of Prisons on September 17, 2012, four and a half months *after* he filed his complaint on April 26, 2012. If the Bureau of Prisons does not dispose of the claim within six months, by March 17, 2013, then Van Horn's claim may be deemed finally denied under 28 U.S.C. § 2675(a). Van Horn seeks the stay so that he will not have to re-file his complaint after March 17, 2013.

Mr. Van Horn's assumption that the Bureau of Prisons will not respond to his claim within six months is pure speculation. However, even if Van Horn does not receive a response to his claim by March 17, exhaustion of administrative remedies is a prerequisite to bringing suit under the FTCA. See *McNeil v. United States*, 508 U.S. 106, 113 (1993); *Blakely v. United States*, 276 F.3d 853, 864 (6th Cir. 2002). While Van

Horn argues that staying the case will save judicial resources, the very purpose of the exhaustion requirement is to save judicial resources. Now, therefore,

IT IS HEREBY ORDERED that plaintiff's motion to stay case for 50 days is
DENIED.

Dated: February 12, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 12, 2013, by electronic and/or ordinary mail and on Edward Van Horn, #49115-019, L.S.C.I. Allenwood, P. O. Box 1000, White Deer, PA 17887.

s/Barbara Radke
Deputy Clerk